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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,305	11/02/2005	Ludger Graute	KKRT-00601-NUS	4991
33794	7590	07/01/2008		
MATTHIAS SCHOLL 14781 MEMORIAL DRIVE SUITE 1319 HOUSTON, TX 77079				
EXAMINER				
LUGO, CARLOS				
ART UNIT		PAPER NUMBER		
3673				
NOTIFICATION DATE		DELIVERY MODE		
07/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTORECEIPT@GMAIL.COM

IPRECEIPT@GMAIL.COM

Office Action Summary

Application No.

10/555,305

Applicant(s)

GRAUTE ET AL.

Examiner

Carlos Lugo

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on March 27, 2008.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 11-36 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11, 20 and 29 recites that the basic lever is used for performing an actuation function and the one or more lever elements for performing one or more actuating functions.

However, the limitation makes unclear what the applicant is trying to claim as his invention. What are the actuating functions? And in which environment (lock system)? The claims are BROAD. Therefore, in order to continue with the examination, the claims would be given a broad interpretation. Appropriate correction IS required.

Further, the applicant is reminded that the use of reference characters is to be considered as having no effect on the scope of the claims. However, the claims require one or more additional levers (2, 3) separate from and connected to the basic lever (1). This makes the claims indefinite since lever 3 is not separate from the basic lever; the lever and the basic lever are form together. Appropriate correction and/or explanation are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 11-36 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,641,184 to Erices et al (Erices '184) in view of JP Pat No 8218710 to Tatsuhiro et al (Tatsuhiro).

Erices '184 discloses a "multifunctional" lever comprising a basic lever (5) and lever elements (5', 10 and 16). The "multifunctional" lever is used in combination with a door latch comprising a claw (3) and a pawl (4). The basic lever and the one or more lever elements are capable of performing an actuating function. The basic lever and the lever elements are made of one of the group consisted of metal, plastic or a combination of metal and plastic. The basic lever and the lever elements have the same axis of rotation (20) and are mechanically actuated achieved by a driving wheel (9) of a motor driven device (6).

However, Erices '184 fails to disclose that one of the lever elements is a separate member connected to the basic lever.

Tatsuhiro teaches that it is well known in the art to provide lever comprised of a basic lever (51) and one or more lever elements. The basic lever and at least one lever element (52) are separate parts. Further, the basic lever and the lever elements are rigidly and inseparably connected to the basic lever (by means of the

connection 6, the levers are rigidly connected and inseparably connected, until they are moved out of engagement).

The fact that the connection is either a rivet, a weld, a bolt, a clip, a snap-fit, a weld or glue is considered as a design consideration within the art that has no patentable weight.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the "multifunctional" lever described by Erices '184 as separate elements connected together, as taught by Tatsuhiro, since separate elements connected together instead of a one-piece embodiment, is a design consideration within the skill of the art.

Response to Arguments

6. Applicant's arguments filed on March 27, 2008 have been fully considered but they are not persuasive.

With respect to the 112 2nd paragraph rejection of the term 'multifunctional', the rejection is provisionally withdrawn. The applicant argument was base on the fact that the lever can perform multiple functions. However, the claim language does not provide any basis or CLEARLY shows do functions. Therefore, the term "multifunctional" is treated as a label.

With respect to the other two parts of the 112 2nd paragraph rejection, the rejection is maintained. It still unclear what are these actuation functions and with respect to what. The claims are broad, and a broad interpretation would be keep until the applicant clearly and structurally claim his invention.

As to the applicant arguments with respect to the rejection in view of Erices, as modified by Tatsuhiro, the argument is not persuasive. Erices, as modified by Tatsuhiro disclose that the basic lever and the lever elements are rigidly and inseparably connected to the basic lever.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 571-272-7058. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
Art Unit 3673

June 20, 2008.